

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 HAROLD EDWARDS,

4                                   Petitioner,

5                                   v.

6 STATE OF NEVADA, et al.,

7                                   Respondents.

Case No.: 2:19-cv-00883-APG-NJK

**ORDER**

8           Petitioner Harold Edwards, a Nevada prisoner, has submitted a handwritten pleading  
9 styled as a petition for writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1-1. Edwards has  
10 failed to file an application to proceed in forma pauperis or pay the filing fee. Accordingly, this  
11 matter has not been properly commenced. *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1,  
12 1-2. In addition, as a pro se litigant, Edwards is required to file his petition for writ of habeas  
13 corpus on the form provided by this court. *See* Local Rules LSR 3-1.

14           Thus, the present action will be dismissed without prejudice to the filing of a habeas  
15 petition under 28 U.S.C. § 2254 on the form required by this court in a **new** action with either the  
16 \$5.00 filing fee or a completed application to proceed in forma pauperis on the proper form with  
17 both an inmate account statement for the past six months and a properly executed financial  
18 certificate.

19           IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the  
20 filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed  
21 application form to proceed in forma pauperis.

22           IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of  
23 reason would not find the dismissal of this improperly commenced action debatable or incorrect.

1 IT IS FURTHER ORDERED that the Clerk shall send the petitioner two copies each of  
2 an application form to proceed in forma pauperis for incarcerated persons and a noncapital  
3 Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the  
4 papers that he submitted in this action.

5 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close  
6 this case.

7 Dated: June 3, 2019.

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10 ANDREW P. GORDON  
11 UNITED STATES DISTRICT JUDGE  
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